

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

Parent Support, LLC d/b/a CARES Treatment,

Case No.:

Petitioner,

vs.

State of Florida, Department of Children and Families,

Respondent.

VERIFIED PETITION FOR JUDICIAL REVIEW

COMES NOW, Petitioner, PARENT SUPPORT, LLC d/b/a CARES Treatment, by and through the undersigned counsel and files this *Verified Petition for Judicial Review* and in support states as follows:

1. On or about March 8, 2017, O.P., the minor child, via court order, entered into the care of PARENT SUPPORT, LLC d/b/a CARES Treatment ("Petitioner").
2. On or about September 1, 2017, O.P. was picked up by DCF from Petitioner's facility and was transferred to a facility in Jacksonville, Florida. The alleged reasoning behind this transfer was due to the cost of CARES services, however, O.P. was contracted to a one-year stay with CARES and O.P.'s probation officer was not notified of this relocation.
3. O.P. absconded from the treatment center in Jacksonville due to alleged mistreatment. O.P. ended up at a hotel in Jacksonville, Florida on Labor Day Weekend. O.P. repeatedly called Petitioner to retrieve her from the hotel and bring her back to CARES.

4. On or about September 4, 2017, Petitioner retrieved the child from River City Inn, located at 10888 Harts Road, Jacksonville, Florida and brought her back to CARES.
5. Upon return to CARES, Petitioner immediately contacted DCF, Jewish Family Community Services, Polk County Sheriff's office, and O.P.'s probation officer to inform them that O.P. was in their care.
6. On or about September 5, 2017 at 12:59 a.m., a police officer was sent to CARES to confirm that O.P. was in Petitioner's care and to make sure that she was safe and alive, which she was.
7. On or about September 6, 2017, a report of abuse and/or neglect was filed against Petitioner.
8. On or about September 7, 2017, DCF picked O.P. up from Petitioner.
9. O.P. once again fled DCF's care and was on the run, but she had been contacting Petitioner.
10. On or about September 14, 2017, Petitioner received a Notice of Restriction on Providing Services to Children from Respondent. See Exhibit "A."
11. Pursuant to Florida Statute 39.302, a subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review.
12. Due to the restriction issued by DCF, Petitioner has lost half a dozen paying clients as they are not able to operate the facility. The loss of these paying clients is causing a great financial hardship on Petitioner's business.

13. O.P. was ultimately found safe and placed into the State's custody, upon information and belief, the first or second week of October 2017, but the restriction from providing services remains in place.

14. Petitioner has been damaged as a result of the Respondent's unreasonable actions.

WHEREFORE Petitioner requests this Court enter an order lifting the restriction placed on Petitioner, as well as any other relief deemed just and proper.

VERIFICATION

I swear or affirm under penalty of perjury that the preceding facts are true and correct to the best of my knowledge.



Robert Torres
CEO of Parent Support, LLC
d/b/a CARES Treatment

The foregoing instrument was subscribed and sworn to before me this 17th day of November 2017, by Robert Torres, who produced a Florida drivers license.



RICARDO CALZADA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG024305
Expires 9/12/2020



NOTARY PUBLIC, State of
Florida
My Commission Expires: 9-12-20

CERTIFICATE OF SERVICE

I **CERTIFY** that on November 10, 2017, a copy hereof was furnished via U.S. Mail to: State of Florida Department of Children and Families, Central Region, 200 N. Kentucky Avenue, Suite 328E, Lakeland, Florida 33801.

My Law Solution, PA
4767 New Broad Street
Orlando, Florida 32814
Tel.: (407) 843-2222
Fax: (407) 648-5050
By: /s/ Ricardo Calzada, II
Ricardo Calzada, II, Esq.
Florida Bar No. 0551619
rcpleading@gmail.com
Attorney for Petitioner



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

September 14, 2017

William S. D'Aluto
Regional Managing Director

Robert Torres
389 Sandridge Drive
Davenport, FL 33897

RE: Notice of Restriction on Providing Services to Children.

Dear Mr. Robert Torres:

Pursuant to section 39.302(2)(a), Florida Statutes, you are hereby notified that your ability to have access to and provide services to children in your CARES Treatment facility is being restricted. A copy of the statute is attached.

This action is being taken by the Department because there is a current investigation of child abuse and/or neglect related to children in the treatment center you own and operate. You are the perpetrator of abuse in report – No. 2017-263496, which was received by the Department on September 6, 2017. It is the Department's position that your continued access to children in this setting places children at risk of abuse and/or neglect. There is some evidence in this case of abuse and/or neglect. This restriction may be in effect for up to 90 days from the date of this letter.

You have the right under the law to petition the circuit court for a judicial review of this action.

If you have any questions please me call at (863) 499-2222, Extension 3.

Sincerely,

Lucas Suazo
Institutional Child Protective Investigator

Signed for by: _____ Date: _____

If refused to sign: _____ Date: _____
Department Representative
Who Delivered Notice

Central Region • 200 N. Kentucky, Avenue Suite 328E • Lakeland, Florida 33801

to Protect the Vulnerable, Promote Strong and
Resiliency

17CA-003816-0000-00

Received in Polk 11/21/2017 10:07 AM

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(2)(a) If in the course of the child protective investigation, the department finds that a subject of a report, by continued contact with children in care, constitutes a threatened harm to the physical health, mental health, or welfare of the children, the department may restrict a subject's access to the children pending the outcome of the investigation. The department or its agent shall employ the least restrictive means necessary to safeguard the physical health, mental health, and welfare of the children in care. This authority shall apply only to child protective investigations in which there is some evidence that child abuse, abandonment, or neglect has occurred. A subject of a report whose access to children in care has been restricted is entitled to petition the circuit court for judicial review. The court shall enter written findings of fact based upon the preponderance of evidence that child abuse, abandonment, or neglect did occur and that the department's restrictive action against a subject of the report was justified in order to safeguard the physical health, mental health, and welfare of the children in care. The restrictive action of the department shall be effective for no more than 90 days without a judicial finding supporting the actions of the department.